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Attorney for Defendant  
**GABRIEL DIOP**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

<b>UNITED STATES OF AMERICA,</b>	)	2:21-CR-00106-WBS
	)	
Plaintiff,	)	<b>STIPULATION AND</b>
	)	<b>ORDER TO CONTINUE STATUS</b>
<b>v.</b>	)	<b>CONFERENCE</b>
	)	
<b>GABRIEL DIOP,</b>	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION**

Plaintiff, United States of America, by and through its counsel, Assistant United States Attorney Sam Stefanki, and defendant, Gabriel Diop, by and through his counsel, Jennifer Mouzis, hereby stipulate as follows:

- 1) By previous order, this matter was set for status on January 30, 2023.
- 2) By this stipulation, defendant now moves to continue the status conference until March 20, 2023 at 9:00 a.m., and to exclude time between January 30, 2023 and March 20, 2023, under Local Code T4.
- 3) The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes

over 20,000 pages of discovery, images, and video files. In late July, the government produced approximately 8,000 pages of additional discovery, and the remainder has made available for inspection and copying pursuant to Rule 16(a)(1)(E) of the Federal Rules of Criminal Procedure.

- b) Counsel for defendant desires further time to discuss resolution with her client, research mitigating evidence, and present it to the prosecution. Counsel for defendant has communicated this information to client and made him aware of the need for continuance.
  - c) Counsel for defendant is scheduled to be in trial on another matter on January 30, 2023. Accordingly, counsel for defendant believes that failure to grant the above-requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
  - d) The government does not object to the continuance.
  - e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
  - f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 30, 2023, to March 20, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.
- 4) Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

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2 IT IS SO STIPULATED.  
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5 Dated: January 25, 2023

PHILLIP A. TALBERT  
United States Attorney

6 By: /s/ Sam Stefanki  
7 SAM STEFANKI  
Assistant United States Attorney


8 Dated: January 25, 2023

/s/ Jennifer Mouzis  
9 JENNIFER MOUZIS  
Attorney for Defendant  
10 GABRIEL DIOP

11  
12 **ORDER**

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14 IT IS SO ORDERED.

15 Dated: January 25, 2023

  
16 WILLIAM B. SHUBB  
17 UNITED STATES DISTRICT JUDGE  
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